IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 21694 of 2004(G)

PETITIONERS:
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1. **SREEJAYAN THAMPI, U.D.CLERK, KERALA WATER AUTHORITY, JALA BHAVAN, THIRUVANANTHAPURAM.**

2. **LATHA P.S. U.D.CLERK, FINANCE WING, HEAD QUARTERS, KERALA WATER AUTHORITY, VELLAYAMBALAM, THIRUVANANTHAPURAM R/A. SREE VIHAR, SMRA 2, SASTHAMANGALAM JUNCTION, SASTHAMANGALAM PO THIRUVANANTHAPURAM.**

3. **B.RADHA, U.D.CLERK(HR.GR) KERALA WATER AUTHORITY, P.H.DIVISION, THIRUVANANTHAPURAM, R/A SJU NIVAS, KOLLAMKONAM, VILAPPILSALA P.O. THIRUVANANTHAPURAM.**

4. **H.GILDA BAI, U.D.CLERK, (HR.GR) KERALA WATER AUTHORITY, P.H.DIVISION, THIRUVANANTHAPURAM. R/A. LAVANYA, PERINGAMALA, KALLIYOOR P.O. PALLICHAL, THIRUVANANTHAPURAM.**

5. **C.S.HARIKUMAR, U.D.CLERK(HR.GR),KERALA WATER AUTHORITY, HEAD WORKS DIVISION, AYANIKKARA, THIRUVANANTHAPURAM, R/A. KWA.QUARTER NO.84, MARUTHANKUZHY, VATTIYOORKKAVU P.O. THIRUVANANTHAPURAM -13.**

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:
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1. **THE KERALA WATER AUTHORITY,**
   REP. BY THE MANAGING DIRECTOR,
   JALA BHAVAN, THIRUVANANTHAPURAM.

2. **THE STATE OF KERALA, REP. BY ITS**
   CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC,KWA
SRI.C.UNNIKRISHNAN, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON DELIVERED THE FOLLOWING:

W.P.(C) NO.21694 /2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.KWA/HO/E1/15106 (VOL III)/91 DT. 7.9.94 OF THE IST RESPONDENT.

EXT.P2:- COPY OF THE RELEVANT EXTRACT OF THE SENIORITY LIST OF UPPER DIVISION CLERK PUBLISHED AS PER CIRCULAR NO.KWA/JB/SCC/3414/2000 DT. 3.5.2000.

EXT.P3:- COPY OF THE PROCEEDINGS OF THE ASSISTANT EXECUTIVE ENGINEER, WATER WORKS EAST SUB DIVISION , P.T.P. NAGAR, THIRUVANANTHAPURAM NO.E2-206/92 DT. 16.5.95.

EXT.P4:- COPY OF THE JUDGMENT DT. 27.10.03 OF THIS HONOURABLE COURT IN OP.933/95.

EXT.P5:- COPY OF THE REPRESENTATION DT. 22.1.04 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C) NO.3431/04 DT.29.1.04.

EXT.P7:- COPY OF THE ORDER NO.KWA/JB/E-11/14250/04 DT. 6.7.04 OF THE 1ST RESPONDENT.

EXT.P8:- COPY OF THE ORDER NO.KWA/JB/E1-14250/04 DT. 9.7.04 OF THE 1ST RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE

tss

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.21694 OF 2004-G

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Dated this the 11th day of July, 2007.

JUDGMENT

The relief sought for by the petitioners is essentially for an entitlement for regularization of service with effect from 19-9-1990 in the category of Lower Division Clerks on the basis of the decision of the Apex Court in **Jacob's** case [1990 (2) KLT 673]. This is impermissible in view of the decision of the Division Bench of this Court in W.A.No.776/2004. Hence, the writ petition fails. Dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-